

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

NICKLAS RAYMOND LAFFERTY,

Plaintiff,

v.

HIGHLAND COUNTY COMMUNITY
ACTION ORGANIZATION, INC., et al.,

Defendants.

Case No. 1:24-CV-636

Judge Michael R. Barrett

ORDER

This matter is before the Court on the amended report and recommendation (“R&R”) of the Magistrate Judge, (Doc. 53), regarding Plaintiff Nicklas Lafferty’s motion for leave to proceed in forma pauperis (“IFP”) on appeal, (Doc. 51).¹ Proper notice has been afforded to the parties under 28 U.S.C. § 636(b)(1)(C), including notice to Lafferty that he may forfeit rights on appeal by failing to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

On March 31, 2025, the Court adopted the Magistrate Judge’s previous R&R and dismissed Lafferty’s complaint. In doing so, the Court certified that an appeal of the order would not be taken in good faith and denied leave to proceed IFP on appeal. (Doc. 46). Lafferty filed a notice of appeal, (Doc. 48), and shortly thereafter filed moved this Court for leave to proceed IFP on appeal, (Doc. 51).

¹ In relevant part, Federal Rule of Appellate Procedure 24 provides that a party may proceed IFP on appeal unless the district court “certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding.” Fed. R. App. P. 24(a)(3)(A). If the Court has already certified that an appeal would not be taken in good faith, a party seeking to proceed IFP on appeal must move for leave to do so by filing a motion in the United States Court of Appeals for the Sixth Circuit. See Fed. R. App. P. 24(a)(5). A review of the appellate docket reveals that Lafferty filed a financial affidavit and moved the Sixth Circuit for a fee waiver on April 15, 2025. See *Lafferty v. Highland County Cnty. Action Org.*, No. 25-3244, Docs. 8, 9 (6th Cir.).

Lafferty has failed to object to either R&R, and the time to do so has expired. Accordingly, for the reasons stated therein, the amended R&R, (Doc. 53), is **ADOPTED** in full, and the motion for leave to proceed IFP on appeal, (Doc. 51), is **DENIED**.²

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett
United States District Judge

² The Magistrate Judge's first R&R, (Doc. 52), is **DENIED** as moot.